

REMARKS

Claims 48-53 are amended. Claim 59 is added. Claims 26-30, 32-37, and 48-59 are in the application for consideration.

Claims 48-53 are amended for non-substantive typographical issues and/or to change certain claim dependencies. Claim 59 is added to recite that the Si_3N_4 comprising oxygen diffusion barrier layer is received "on" the well base, of course meaning that such is in at least some direct physical touching contact therewith.

The undersigned objects to the belated species restriction which has been made. The subject matter now being restricted was added by an amendment filed on May 14, 2003; a period of one year and four months before the species restriction which the Patent Office now makes. Further, the Patent Office has acted twice since May 14, 2003 wherein all claims of the alleged species were examined and acted upon. Further, claims 54, 55, 57 and 58 were allowed in the last substantive office action, and include claims overlapping between the species.

Accordingly, it is respectfully asserted that the latest action by the Patent Office is untimely, prejudices Applicant in terms of patent life at least with respect to the subject matter that has already been indicated to be allowed, and as well economically prejudices Applicant in pursuing multiple applications for subject matter which has already been substantively examined and searched at least twice since May 2003. Applicant should not be prejudiced in this manner merely because the Patent Office has assigned

a new Examiner to this application. Further, this application was filed three and one half years ago, has been earnestly prosecuted, and yet we still have not achieved final action.

It is respectfully requested that the Examiner withdraw the species restriction and examine all 23 claims, only two of which are independent, in this presently pending application.


Notwithstanding the foregoing, Applicant provisionally elects the first stated species. At least claims 26-30, 32, 51-54 and 58 are readable thereon.

Respectfully submitted,

Dated: _____

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By: _____


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